

Resolution 2016-160 which indicates Griesemer's appointment as a Police Sergeant effective April 20, 2016.

CONCLUSION

A retroactive appointment date "for seniority purposes only" may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C. 4A:4-1.10(c)*. The "for seniority purposes only" appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (Merit System Board, decided September 5, 1991).

In the instant matter, the record establishes that the appointing authority intended to promote Griesemer to Police Sergeant effective April 20, 2016, as evidenced by Borough of Beachwood Resolution 2016-160. However, due to administrative error, the appointing authority did not request a certification. Nevertheless, had the appointing authority requested a certification at that time, Griesemer would have been listed in the second position and reachable for appointment.² Under these circumstances, good cause has been presented to revive the Police Sergeant (PM5092N), Beachwood list to effectuate Griesemer's regular appointment. Furthermore, the appointing authority verifies that Griesemer has been serving as a Police Sergeant since April 20, 2016 and has successfully passed his working test period. Therefore, based on the foregoing, it is appropriate to grant a retroactive date of permanent appointment to the appellant as Police Sergeant effective April 20, 2016, for seniority and record keeping purposes.

With respect to the eligibility of Griesemer for the promotional examination for Police Lieutenant (PM1931W), Beachwood,³ this examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title of Police Sergeant as of the closing date of September 30, 2018. As noted previously, Griesemer has been serving as a Police Sergeant in Beachwood and he could have been permanently appointed on April 20, 2016. Thus, as of the September 30, 2018 closing date, he had completed the requisite one year period.

² It is noted that the second ranked eligible on the PM5092N list is a non-veteran and thus, could have been bypassed.

³ It is noted that the subject announcement indicates that the test is tentatively scheduled to be administered in October 2018.

